



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,000	12/03/2001	Keith Reynolds Wehmeyer	RCA 89027	2059

7590 09/25/2006

Mr. Joseph S. Tripoli
Thomson Multimedia Licensin
P O Box 5312
Princeton, NJ 08540

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/981,000	Applicant(s) WEHMEYER, KEITH REYNOLDS	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/17/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/30/3006 have been fully considered but they are not persuasive.

Applicant argues that the combination of Kaplan and Schein is counter-intuitive to one of ordinary skill in the art since it would prevent cable box 16 from receiving program guide information via the VBI and thereby at least partially defeat one of the primary objective of Schein. The examiner disagrees and notes that Applicant has provided no evidence as to why both a URL (or other types of Internet data) as well as program guide information could not both be provided over the VBI of a television channel. Additionally, the examiner notes that Kaplan teaches transmitting both program information data and Internet data (addresses) over the VBI (see Column 3, Lines 8-10, Column 4, Lines 33-41 and Column 6, Line 66 through Column 7, Line 3 for additionally providing program information related to the television program that a

website was accessed from), therefore, the combination of Schein and Kaplan is proper and one of ordinary skill in the art would not find such a combination counter-intuitive.

Applicant further argues that the cable box 16 of Schein does not receive program guide information from DBS source/IRD box 18. The examiner notes that Schein clearly teaches this limitation at Column 4, Lines 49-53.

Applicant further argues that Schein also fails to perform the step of "integrating the first program guide information with the second program guide information to form the combined program guide". Again, note Column 4, Lines 25-54 of Schein for a teaching of merging program guide information from multiple sources.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 5,801,787) in view of Kaplan (U.S. Patent No. 6,058,430).

Referring to claim 1, Schein discloses a stand-alone receiver for receiving analog program information including first program guide information (see cable box 16 in Figure 1 and Column 4, Lines 25-39 for receiving first program guide data from the signal received by the cable box 16), coupled to a stand-alone digital video receiver for

Art Unit: 2623

receiving digital program information including second program guide information (see DBS receiver 18 in Figure 1 and Column 4, Lines 25-39 for receiving second program guide data from the signal received by the DBS receiver 18).

Schein also discloses receiving first program guide information from a first signal source (see again Column 4, Lines 25-39).

Schein also discloses receiving the second program guide information from the stand-alone digital video receiver (see again Column 4, Lines 25-39), wherein the stand-alone digital video receiver receives the second program guide information from a second signal source (see the second signal source received by the DBS receiver 18 being a satellite dish 32 in Figure 1).

Schein also discloses integrating the first program guide information with the second program guide to form the combined program guide (see Column 4, Lines 40-54 for combining the program guide data from multiple sources).

Schein also discloses outputting data representative of the combined program guide to a display device (see Figure 2 and Column 4, Line 64 through Column 5, Line 7).

Although Schein discloses receiving Internet data from an Internet source (see Column 2, Lines 39-40 and Line 50), Schein fails to disclose that the stand-alone receiver also receives Internet data.

Kaplan discloses a stand-alone Internet receiver for receiving both Internet data and analog program information (see Figure 1 and Column 4, Lines 22-40).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the stand-alone cable box receiver, as taught by Schein, to further receive Internet information through the VBI of the analog signal received by the cable box (thereby providing an internet receiver), as taught by Kaplan, for the purpose of providing a user with economical, efficient and easy access to the Internet (see Column 3, Lines 14-15 of Kaplan).

Claim 2 corresponds to claim 1, where Schein further discloses that the stand-alone digital video receiver receives the second program guide information via a digital data stream, and the stand-alone Internet receiver receives the first program guide information via a vertical blanking interval of an analog signal (see Column 4, Lines 49-53).

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 5,801,787) in view of Kaplan (U.S. Patent No. 6,058,430) in further view of Sampsell (U.S. Patent No. 6,219,839).

Referring to claim 3, Schein and Kaplan disclose all of the limitations of claim 1, as well as Schein disclosing linking a communications input/output port of the stand-alone digital video receiver with a communications input/output port of the stand-alone (internet) receiver, wherein the linking step includes establishing a bus connection (see Column 4, Lines 2-6 for utilizing a bus interface connection for linking all of the components together), but fails to teach at least one of a high speed data bus or a low speed data bus.

Sampsell discloses a similar system for integrating program guide data together from different sources (see Figures 1 and 6) and also disclose that all of the components are connected together using an IEEE 1394 Firewire bus, therefore providing a high speed data bus that links all of the components together for communication (see Column 4, Lines 22-32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the bus interface, as taught by the combination of Schein and Kaplan, using the IEEE 1394 bus interface, as taught by Sampsell, for the purpose of providing a high bandwidth interface used to transport audio/video signals in addition to the channel information and therefore allows detailed information related to the programming available from the peripheral to be mapped onto the EPG button selections (see Column 9, Lines 34-36 and Lines 52-55 of Sampsell).

Claim 4 corresponds to claim 3, where Sampsell inherently teaches, by the use of an IEEE 1394 bus interface, that when any of the components (including the digital video receiver) transmits data to another component in the system using a clock signal, the clock signal is required for any type of data bus interaction from one component to another to assure that the receiving device can interpret the transmitted data signal properly.

Conclusion

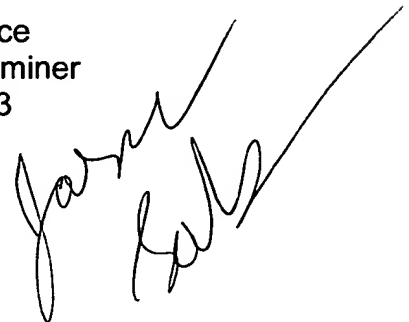
Art Unit: 2623

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

A handwritten signature in black ink, appearing to read 'Jason P. Salce', is written over the typed name and title.

September 18, 2006